

**ORDINANCE \_\_\_\_\_**

AN ORDINANCE related to land use and zoning, amending Sections 11.16.240, 15.16.040, 22.206.160, 23.41.018, 23.44.012, 23.45.510, 23.47A.012, 23.47A.013, 23.57.012, 23.84A.024, 23.84A.032, 23.86.006, and 23.86.007 of the Seattle Municipal Code to make clarifications, and correct cross-references, formatting, errors, and omissions from Ordinance 123495.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Subsection G of Section 11.16.240 of the Seattle Municipal Code, which section was last amended by Ordinance 118409, is amended as follows:

**11.16.240 Traffic Engineer—Authority—Review and recommend((=))**

It shall be the function of the Traffic Engineer under the supervision of the Director of Transportation to:

\* \* \*

G. Review and make recommendations concerning all applications for all building permits except in single-family (SF) and ((~~multi-family~~)) Lowrise 1 (LR1) zones regarding facilitation of traffic with respect to new or existing driveways;

\* \* \*

Section 2. Subsection A of Section 15.16.040, which section was last amended by Ordinance 122824, is amended as follows:

**15.16.040 Terms and conditions((=))**

A. The Director of Transportation may issue a street use permit for use of a portion of the right-of-way for a sidewalk cafe if the Director determines that:

1                   1. The applicant is the owner or occupant of the adjacent property and operates a  
2 food-service establishment thereon that is permitted under Title 10 or by the Seattle-King County  
3 Director of Public Health or ~~((the))~~ its Director's representative;

4                   2. The proposed use for a sidewalk cafe would not unduly and unreasonably  
5 impair pedestrian passage in or on the right-of-way and would allow:

6                   a. if located in the Downtown Urban Center as established in the  
7 Comprehensive Plan, at least ~~((six-))~~6(~~(+))~~ feet of clear path of travel for pedestrian passage if  
8 the permit application is submitted after the effective date of the ordinance codified in this  
9 section 15.16.040 (see Exhibit A for 15.16.040 (~~((A, Location of Sidewalk Cafe))~~)) and at least  
10 ~~((five-))~~5(~~(+))~~ feet of clear path of travel for pedestrian passage for sidewalk cafes established  
11 before that date;

12                   b. if located outside of the Downtown Urban Center as established in the  
13 Comprehensive Plan, at least ~~((five-))~~5(~~(+))~~ feet of clear path of travel for pedestrian passage  
14 (see Exhibit A for 15.16.040 (~~((A, Location of Sidewalk Cafe))~~));

15                   c. a wider clear path of travel for pedestrian passage than is required in  
16 subsections 15.16.040.A.2.a and 2.b when required by the Director of Transportation to facilitate  
17 the use of the sidewalk by pedestrians.

18                   3. The proposed sidewalk cafe would be located:

19                   a. at least ~~((five-))~~5(~~(+))~~ feet from alleys, bus zones, parking zones for  
20 handicapped persons, and commercial loading zones (see Exhibit A for 15.16.040 (~~((A, Location  
21 of Sidewalk Cafe))~~));

22                   b. at least ~~((five-))~~5(~~(+))~~ feet from curb ramps or from the beginning of the  
23 corner curb radius where curb ramps do not exist, parking meters or pay stations, traffic signs,  
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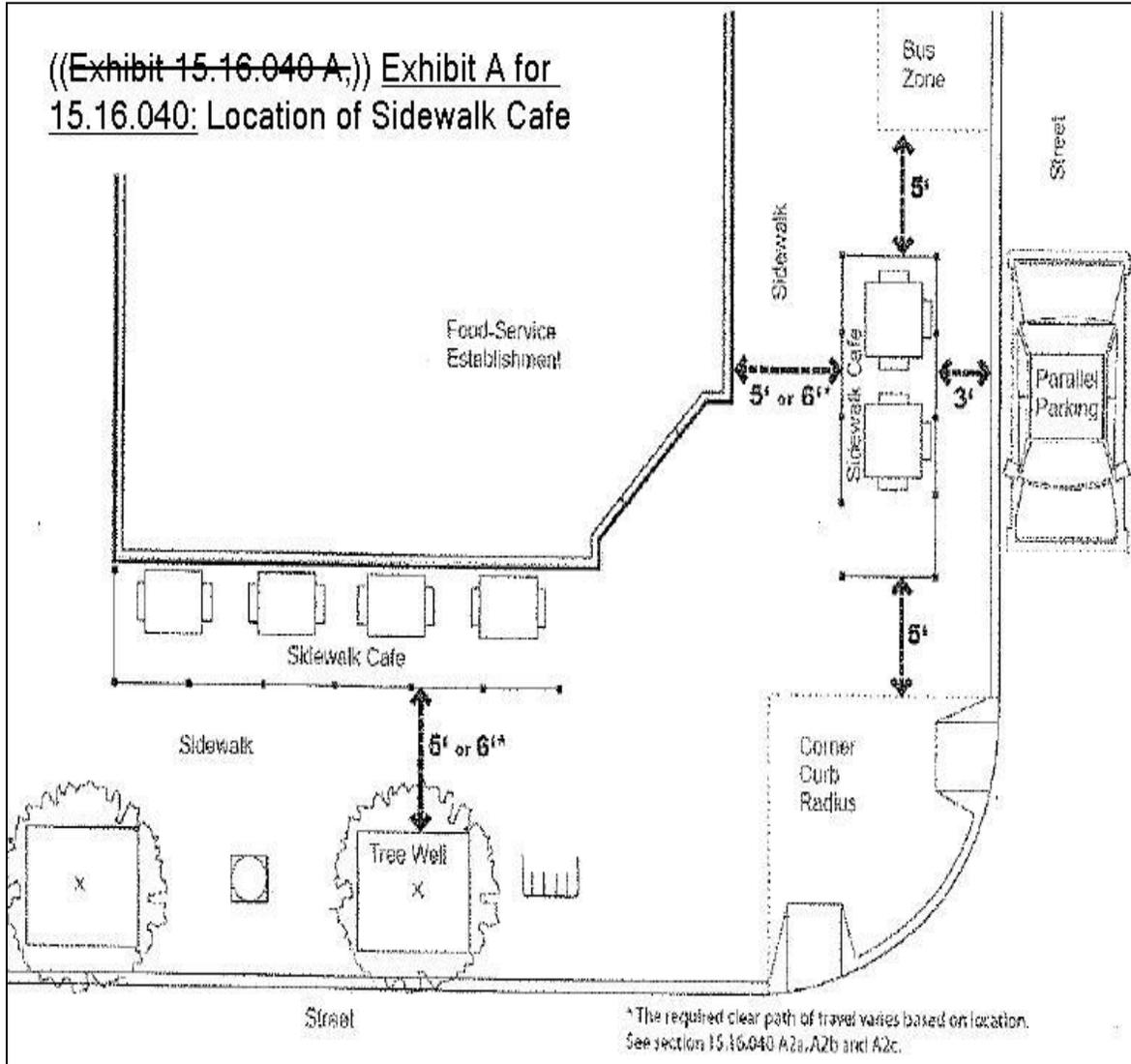
1 utility poles, fire hydrants, bike racks, and other street fixtures (see Exhibit A for 15.16.040 ((~~A~~,  
2 ~~Location of Sidewalk Cafe~~)));

3 c. at least ((~~three~~)3(~~+~~)) feet from the curb in order to provide access to  
4 on-street parking when pedestrian passage is located between the sidewalk cafe and the food-  
5 service establishment (see Exhibit A for 15.16.040 ((~~A~~, ~~Location of Sidewalk Cafe~~)));

6 d. at least ((~~fifty~~)50(~~+~~)) feet from a lot zoned RSL, SF, ((~~L1, L2, L3 or~~  
7 ~~L4~~) LR1, LR2, or LR3, and that does not have an RC designation, as shown on the Official  
8 Land Use Map, as these zoning designations are defined under Section 23.30.010((-))A of Title  
9 23; and

10  
11 e. at a distance farther than that required in Section 15.16.050.A3\_a, 3\_b or  
12 3\_c, based upon the Director of Transportation's determination that such additional distance is  
13 needed to facilitate the use of the sidewalk by pedestrians;

14  
15 **Exhibit A for 15.16.040: Location of Sidewalk Cafe**



19 4. The applicant has obtained a certificate of approval for the sidewalk cafe from  
20 the appropriate Board or Commission when located in a Landmark District or Historic District  
21 subject to the provisions of Title 25;

22 5. The proposed sidewalk cafe is consistent with any applicable standards  
23 established by the federal Americans with Disabilities Act; and

24 6. The applicant has posted a notice of the application for the street use permit for  
25 the sidewalk cafe. The notice shall be clearly visible from the adjacent sidewalk and shall state  
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1 that comments on the application may be sent to the Director of Transportation and will be  
2 considered in reviewing the application.

3 \* \* \*

4 Section 3. Subsection C of Section 22.206.160 of the Seattle Municipal Code, which  
5 section was last amended by Ordinance 123141, is amended as follows:

6 **22.206.160 Duties of owners((~~r~~))**

7 \* \* \*

8 C. Just Cause Eviction.

9  
10 1. Pursuant to provisions of the state Residential Landlord-Tenant Act (RCW  
11 59.18.290), owners may not evict residential tenants without a court order, which can be issued  
12 by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction  
13 (RCW 59.18.380). In addition, owners of housing units shall not evict or attempt to evict any  
14 tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant unless the owner  
15 can prove in court that just cause exists. The reasons for termination of tenancy listed below, and  
16 no others, shall constitute just cause under this section 22.206.160:

17  
18 a. The tenant fails to comply with a three (~~((3))~~) day notice to pay rent or  
19 vacate pursuant to RCW 59.12.030(3); a ten (~~((10))~~) day notice to comply or vacate pursuant to  
20 RCW 59.12.030(4); or a three (~~((3))~~) day notice to vacate for waste, nuisance (including a drug-  
21 related activity nuisance pursuant to RCW Chapter 7.43) or maintenance of an unlawful business  
22 or conduct pursuant to RCW 59.12.030(5);

23  
24 b. The tenant habitually fails to pay rent when due which causes the owner  
25 to notify the tenant in writing of late rent four (~~((4))~~) or more times in a (~~((twelve-))~~)12(~~((+))~~) month  
26 period;  
27

1 c. The tenant fails to comply with a ten (~~(40)~~) day notice to comply or  
2 vacate that requires compliance with a material term of the rental agreement or that requires  
3 compliance with a material obligation under RCW 59.18;

4 d. The tenant habitually fails to comply with the material terms of the  
5 rental agreement which causes the owner to serve a ten (~~(10)~~) day notice to comply or vacate  
6 three (~~(3)~~) or more times in a (~~(twelve)~~)12(~~(3)~~) month period;

7 e. The owner seeks possession so that the owner or a member of his or her  
8 immediate family may occupy the unit as that person's principal residence and no substantially  
9 equivalent unit is vacant and available in the same building. "Immediate family" shall include the  
10 owner's domestic partner registered pursuant to Section 1 of Ordinance 117244<sup>2</sup> or the owner's  
11 spouse, parents, grandparents, children, brothers and sisters of the owner, of the owner's spouse,  
12 or of the owner's domestic partner. There shall be a rebuttable presumption of a violation of this  
13 subsection 22.206.160C.1.a if the owner or a member of the owner's immediate family fails to  
14 occupy the unit as that person's principal residence for at least (~~(sixty)~~)60(~~(3)~~) consecutive days  
15 during the (~~(ninety)~~)90(~~(3)~~) days immediately after the tenant vacated the unit pursuant to a  
16 notice of termination or eviction using this subparagraph as the cause for eviction;

17 f. The owner elects to sell a single-family dwelling unit and gives the  
18 tenant at least (~~(sixty)~~)60(~~(3)~~) days written notice prior to the date set for vacating, which date  
19 shall coincide with the end of the term of a rental agreement, or if the agreement is month to  
20 month, with the last day of a monthly period. For the purposes of this section 22.206.160, an  
21 owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within  
22 (~~(thirty)~~)30(~~(3)~~) days after the tenant has vacated, including, at a minimum, listing it for sale at a  
23 reasonable price with a realty agency or advertising it for sale at a reasonable price in a  
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1 newspaper of general circulation. There shall be a rebuttable presumption that the owner did not  
2 intend to sell the unit if:

3 ~~((i.))~~ 1) Within ~~((thirty-))~~30~~((+))~~ days after the tenant has vacated,  
4 the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty  
5 agency or advertise it for sale at a reasonable price in a newspaper of general circulation, or  
6

7 ~~((ii.))~~ 2) Within ~~((ninety-))~~90~~((+))~~ days after the date the tenant  
8 vacated or the date the property was listed for sale, whichever is later, the owner withdraws the  
9 rental unit from the market, rents the unit to someone other than the former tenant, or otherwise  
10 indicates that the owner does not intend to sell the unit;

11 g. The tenant's occupancy is conditioned upon employment on the  
12 property and the employment relationship is terminated;

13 h. The owner seeks to do substantial rehabilitation in the building;  
14 provided that, the owner must obtain a tenant relocation license if required by ~~((SMC))~~ Chapter  
15 22.210 and at least one ~~((+))~~ permit necessary for the rehabilitation, other than a Master Use  
16 Permit, before terminating the tenancy;  
17

18 i. The owner (i) elects to demolish the building, convert it to a cooperative,  
19 or convert it to a nonresidential use; provided that, the owner must obtain a tenant relocation  
20 license if required by ~~((SMC))~~ Chapter 22.210 and a permit necessary to demolish or change the  
21 use before terminating any tenancy, or (ii) converts the building to a condominium provided the  
22 owner complies with the provisions of ~~((SMC))~~ Sections 22.903.030 and 22.903.035;  
23

24 j. The owner seeks to discontinue use of a housing unit unauthorized by  
25 Title 23 ~~((of the Seattle Municipal Code))~~ after receipt of a notice of violation thereof. The  
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1 owner is required to pay relocation assistance to the tenant(s) of each such unit at least two

2 ~~((2))~~ weeks prior to the date set for termination of the tenancy, at the rate of:

3 ~~((i.))~~ 1) ~~((Two Thousand Dollars))~~ \$2,000~~(())~~ for a tenant  
4 household with an income during the past ~~((twelve))~~ 12~~(())~~ months at or below ~~((fifty))~~ 50~~(())~~  
5 percent of the County median income, or

6 ~~((ii.))~~ 2) Two ~~((2))~~ months' rent for a tenant household with an  
7 income during the past ~~((twelve))~~ 12~~(())~~ months above ~~((fifty))~~ 50~~(())~~ percent of the County  
8 median income;

9  
10 k. The owner seeks to reduce the number of individuals residing in a  
11 dwelling unit to comply with the maximum limit of individuals allowed to occupy one ~~((1))~~  
12 dwelling unit, as required by ~~((SMC))~~ Title 23, and:

13 ~~((i.))~~ 1)  
14 ~~((A))~~ a) The number of such individuals was more than is  
15 lawful under the current version of ~~((SMC))~~ Title 23 or Title 24 but was lawful under ~~((SMC))~~  
16 Title 23 or 24 on August 10, 1994~~((;))~~;

17 ~~((B))~~ b) That number has not increased with the  
18 knowledge or consent of the owner at any time after August 10, 1994~~((;))~~; and

19 ~~((C))~~ c) The owner is either unwilling or unable to obtain a  
20 permit to allow the unit with that number of residents~~((;))~~;

21 ~~((ii.))~~ 2) The owner has served the tenants with a ~~((thirty))~~ 30~~(())~~  
22 day notice, informing the tenants that the number of tenants exceeds the legal limit and must be  
23 reduced to the legal limit,  
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1 comply with a ~~((ten-))~~10~~((+))~~ day notice to comply with the maximum legal limit on the number  
2 of occupants or vacate~~((-))~~; and

3 ~~((C))~~ c) If there is more than one ~~((4))~~ rental agreement  
4 for the unit, the owner may choose which agreements to terminate; provided that, the owner may  
5 either terminate no more than the minimum number of rental agreements necessary to comply  
6 with the legal limit on the number of occupants, or, at the option of the owner, terminate only  
7 those agreements involving the minimum number of occupants necessary to comply with the  
8 legal limit.  
9

10 ~~((i-))~~ 2) For any violation of the maximum legal limit on the  
11 number of individuals allowed to reside in a unit that occurred with the knowledge or consent of  
12 the owner, the owner is required to pay relocation assistance to the tenant(s) of each such unit at  
13 least two ~~((2))~~ weeks prior to the date set for termination of the tenancy, at the rate of:

14 ~~((A))~~ a) ~~((Two Thousand Dollars-))~~\$2,000~~((+))~~ for a  
15 tenant household with an income during the past ~~((twelve-))~~12~~((+))~~ months at or below ~~((fifty-))~~  
16 ~~((fifty-))~~50~~((+))~~ percent of the county median income, or  
17

18 ~~((B))~~ b) Two ~~((2))~~ months' rent for a tenant household  
19 with an income during the past ~~((twelve-))~~12~~((+))~~ months above ~~((fifty-))~~50~~((+))~~ percent of the  
20 county median income;  
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22 m. The owner seeks to discontinue use of an accessory dwelling unit for  
23 which a permit has been obtained pursuant to ~~((SMC))~~ Sections 23.44.041 and 23.45.545 after  
24 receipt of a notice of violation of the development standards provided in ~~((that section))~~ those  
25 sections. The owner is required to pay relocation assistance to the tenant household residing in  
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1 such a unit at least two (~~(2)~~) weeks prior to the date set for termination of the tenancy, at the  
2 rate of:

3 ~~((i.))1~~ (~~(Two Thousand Dollars)~~)\$2,000(~~(+)~~) for a tenant  
4 household with an income during the past (~~(twelve)~~)12(~~(+)~~) months at or below (~~(fifty)~~)50(~~(+)~~)  
5 percent of the county median income, or

6 ~~((ii.))2~~ Two (~~(2)~~) months' rent for a tenant household with an  
7 income during the past (~~(twelve)~~)12(~~(+)~~) months above (~~(fifty)~~)50(~~(+)~~) percent of the county  
8 median income;  
9

10 n. An emergency order requiring that the housing unit be vacated and  
11 closed has been issued pursuant to (~~(SMC)~~) Section 22.206.260 and the emergency conditions  
12 identified in the order have not been corrected;

13 o. The owner seeks to discontinue sharing with a tenant of the owner's  
14 own housing unit, i.e., the unit in which the owner resides, (~~(or)~~) seeks to terminate the tenancy  
15 of a tenant of an accessory dwelling unit authorized pursuant to Sections 23.44.041 and  
16 23.45.545 that is accessory to the housing unit in which the owner resides, or seeks to terminate  
17 the tenancy of a tenant in a single-family dwelling unit and the owner resides in an accessory  
18 dwelling unit on the same lot. This subsection 22.206.160.C.1.o does not apply if the owner has  
19 received a notice of violation of the development standards of Section 23.44.041. If the owner  
20 has received such a notice of violation, subsection (~~(C1m of Section)~~) 22.206.160.C.1.m applies;  
21

22 p. A tenant, or with the consent of the tenant, his or her subtenant,  
23 sublessee, resident or guest, has engaged in criminal activity on the premises, or on the property  
24 or public right-of-way abutting the premises, and the owner has specified in the notice of  
25 termination the crime alleged to have been committed and the general facts supporting the  
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1                   5. In any action commenced to evict or to otherwise terminate the tenancy of any  
2 tenant, it shall be a defense to the action that there was no just cause for such eviction or  
3 termination as provided in this section 22.206.160.

4                   6. It shall be a violation of this section 22.206.160 for any owner to evict or  
5 attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any  
6 tenant using a notice which references subsections 22.206.160.C.1.e (~~((subparagraphs 1e))~~), 1.f,  
7 1.h, 1.k, 1.l, or 1.m (~~((of this subsection C))~~) as grounds for eviction or termination of tenancy  
8 without fulfilling or carrying out the stated reason for or condition justifying the termination of  
9 such tenancy.

10                   7. An owner who evicts or attempts to evict a tenant or who terminates or  
11 attempts to terminate the tenancy of a tenant using a notice which references (~~((subparagraphs))~~)  
12 subsections 22.206.160.C.1.e, 1.f or 1.h (~~((of this subsection C))~~) as the ground for eviction or  
13 termination of tenancy without fulfilling or carrying out the stated reason for or condition  
14 justifying the termination of such tenancy shall be liable to such tenant in a private right for  
15 action for damages up to (~~((Two Thousand Dollars (-)))~~)\$2,000(~~((+))~~), costs of suit or arbitration and  
16 reasonable attorney's fees.

17                   Section 4. Subsection D of Section 23.41.018, which section was enacted by Ordinance  
18 123495, is amended as follows:

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20 **23.41.018 Streamlined administrative design review (SDR) process**

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24 D. SDR decision.  
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1                   1. The Director shall consider public comments on the proposed project, and the  
2 Director's decision shall be based on the extent to which the application meets applicable design  
3 guidelines and responds to the SDR guidance report.

4                   2. The Director's decision pursuant to the SDR process shall not reduce the  
5 number of units allowed per square foot of lot area when such a density limit is set in Table A for  
6 Section 23.45.512.

7                   3. The Director may allow the adjustments listed in subsection 23.41.018.D.4, if  
8 the adjustments are consistent with the SDR design guidance report and the adjustments would  
9 result in a development that:  
10

- 11                               a. better meets the intent of the adopted design guidelines and/or  
12                               b. provides a better response to environmental and/or site conditions,  
13 including but not limited to topography, the location of trees, or adjacent uses and structures.

14                   4. If the criteria listed in subsection 23.41.018.D.3 are met, the Director may  
15 allow adjustments to the following development standards to the extent listed for each standard:  
16

17                               a. Setbacks and separation requirements may be reduced by a maximum of  
18 50 percent;

19                               b. Amenity areas may be reduced by a maximum of 10 percent;

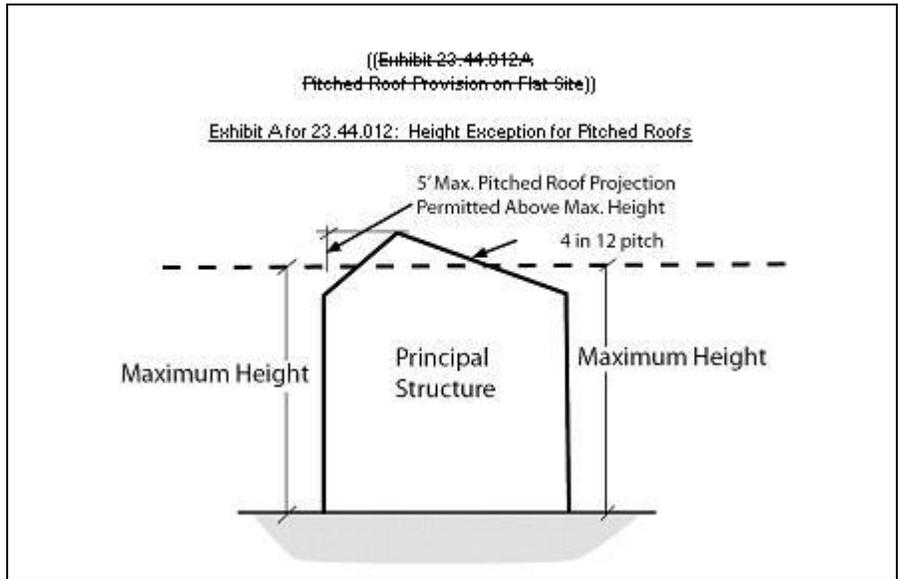
20                               c. Landscaping and screening may be reduced by a maximum of 25  
21 percent;

22                               d. Structure width, structure depth, and façade length (~~limits~~) may be  
23 ~~((reduced))~~ increased by a maximum of 10 percent; and  
24

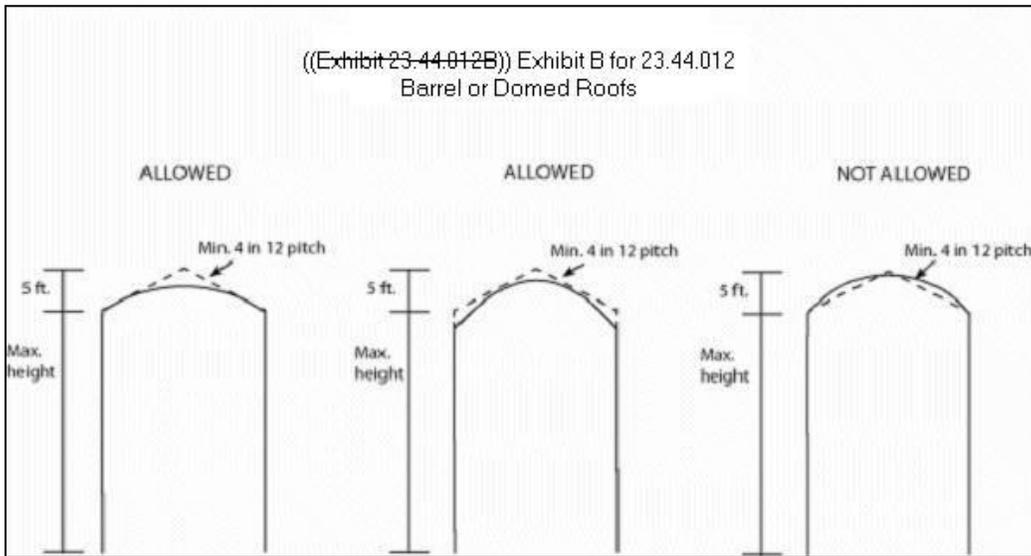
25                               e. Screening of parking may be reduced by a maximum of 25 percent.  
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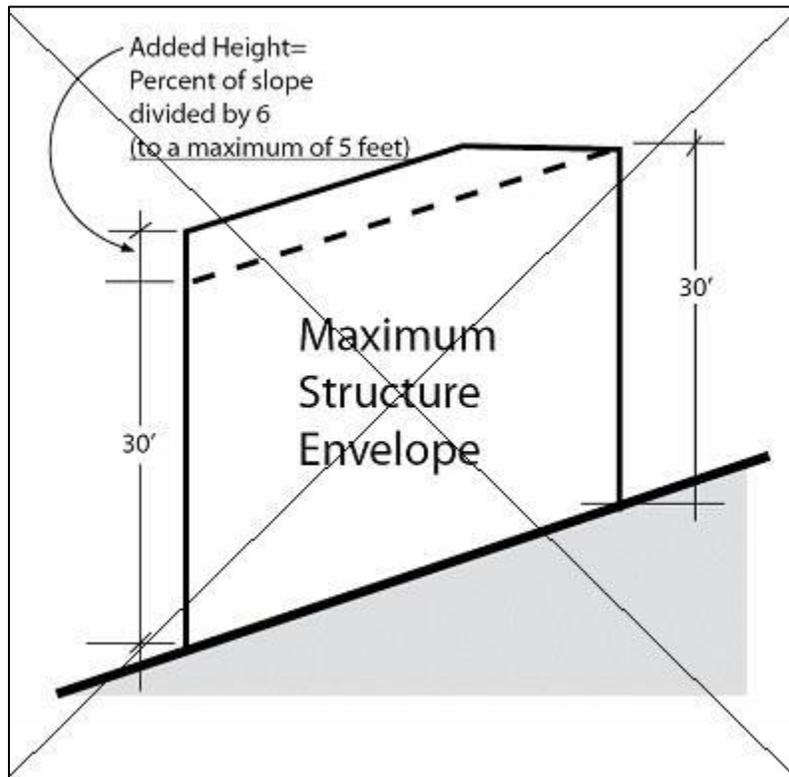
**Exhibit B for 23.44.012: Height Exceptions for Barrel or Domed Roofs**



~~((2. Sloped Lots. Except for structures containing a detached accessory dwelling unit, additional height shall be permitted for sloped lots, at the rate of one (1) foot for each six (6) percent of slope, to a maximum of five (5) feet. The additional height shall be permitted on~~

1 ~~the downhill side of the structure only, as described in the measurements portion of this Land~~  
2 ~~Use Code (Exhibit 23.44.012 C. When the downhill portion of a sloped lot fronts on the street~~  
3 ~~where the required front yard exemption in Section 23.44.014 A is claimed, the permitted height~~  
4 ~~of the wall along the lowest elevation of the site shall be reduced one (1) foot for each foot of~~  
5 ~~exemption claimed. In no case shall the height of the wall be required to be less than the~~  
6 ~~maximum height limit, as determined under subsection A above.))~~

8 ((**Exhibit 23.44.012.C Height Limits on Sloped Sites**))



23 Section 6. Subsections C and E of Section 12.45.510 of the Seattle Municipal Code,  
24 which section was last amended by Ordinance 123495, are amended as follows:

25 **23.45.510 Floor area ratio (FAR) limits**

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1 C. In LR zones, in order to qualify for the higher FAR limit shown in Table A for  
2 23.45.510, the following standards shall be met:

3 1. Applicants shall make a commitment that the structure will meet green  
4 building performance standards by earning a Leadership in Energy and Environmental Design  
5 (LEED) Silver rating or a Built Green 4-star rating of the Master Builders Association of King  
6 and Snohomish Counties, except that an applicant who is applying for funding from the  
7 Washington State Housing Trust Fund and/or the Seattle Office of Housing to develop new  
8 affordable housing, may elect to meet green building performance standards by meeting the  
9 Washington Evergreen Sustainable Development Standards (ESDS). The standards referred to  
10 in this subsection 23.45.510.C.1 are those identified in Section 23.45.526, and that section shall  
11 apply as if the application were for new development gaining extra residential floor area.  
12

13 2. For all categories of residential use, if the lot abuts an alley and the alley is  
14 used for access, improvements to the alley shall be required as provided in subsections  
15 23.53.030.E and F, except that the alley shall be paved rather than improved with crushed rock,  
16 even for lots containing fewer than ten dwelling units.  
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18 3. Parking location if parking is provided.

19 a. For rowhouse and townhouse developments, parking shall be located in  
20 an enclosed area that is (~~below grade~~) underground or that projects a maximum of 4 feet above  
21 finished grade excluding access, or in a parking area or structure at the rear of the lot.  
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23 b. For apartments, parking may either:

24 1) be located in an enclosed area that is below grade or that  
25 projects a maximum of 4 feet above finished grade; or  
26



1 1. All underground stories.

2 2. The floor area contained in a landmark structure subject to controls and  
3 incentives imposed by a designating ordinance, if the owner of the landmark has executed and  
4 recorded an agreement acceptable in form and content to the Landmarks Preservation Board,  
5 providing for the restoration and maintenance of the historically significant features of the  
6 structure, except that this exemption does not apply to a lot from which a transfer of  
7 development potential has been made under Chapter 23.58A, and does not apply for purposes of  
8 determining TDP available for transfer under Chapter 23.58A.  
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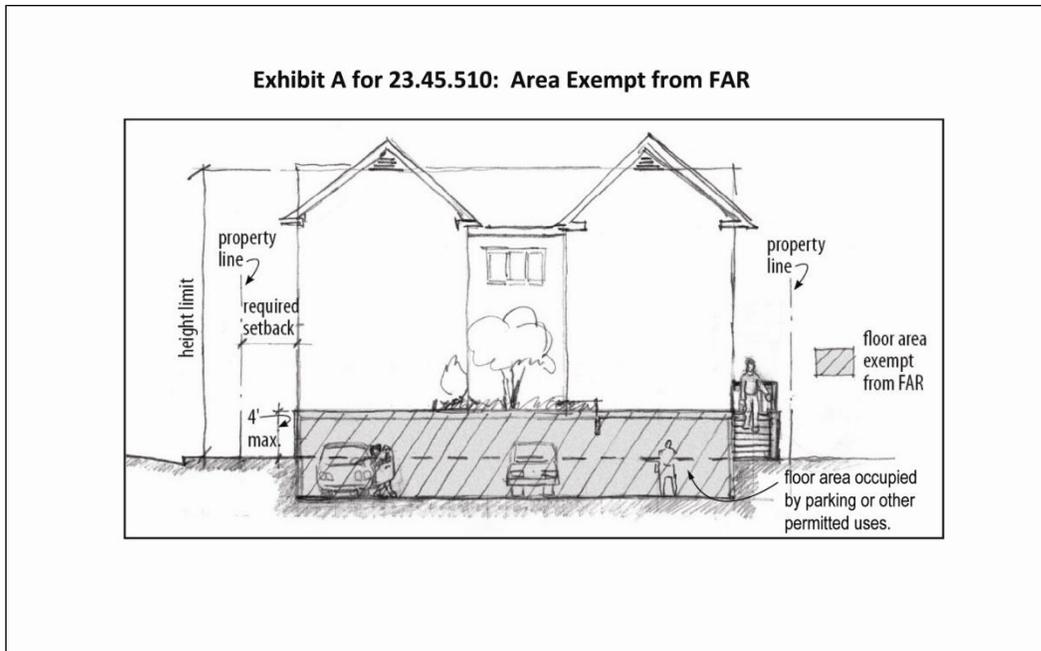
10 3. ~~((Structures))~~ The floor area contained in structures built prior to January 1,  
11 1982 as single-family dwelling units that will remain in residential use, provided that:

12 a. no ~~((new))~~ principal structure is located between ~~((that structure))~~ the  
13 existing single-family dwelling unit and ((a)) the street lot line along at least one street  
14 frontage((-and)). If the single-family dwelling unit is moved on the lot, the floor area of the  
15 dwelling remains exempt if it continues to meet this provision; and

16 b. the exemption is limited to the gross square footage in the ~~((structure))~~  
17 single-family dwelling unit as of January 1, 1982.  
18

19 4. For apartments in LR zones that qualify for the higher FAR limit shown in  
20 Table A for 23.45.510, and for all multifamily structures in MR and HR zones, portions of a  
21 story that extend no more than 4 feet above existing or finished grade, whichever is lower. See  
22 Exhibit A for 23.45.510.  
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### Exhibit A for 23.45.510: Area Exempt from FAR



5. For rowhouse and townhouse developments and apartments that qualify for the higher FAR limit shown in Table A for 23.45.510, floor area within a structure or portion of a structure that is partially above grade and has no additional stories above, if the following conditions are met:

- a. The average height of the exterior walls enclosing the floor area does not exceed 4 feet, measured from existing or finished grade, whichever is lower;
- b. The roof area above the exempt floor area is predominantly flat, is used as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522;
- c. At least 25 percent of the perimeter of the amenity area on the roof above the floor area is not enclosed by the walls of the structure; and
- d. The amenity area is no more than 4 feet above the grade at a point where pedestrian access is provided to the lot.

6. Enclosed common amenity area in Highrise zones.

7. As an allowance for mechanical equipment, in any structure more than 85 feet in height, 3.5 percent of the gross floor area that is not exempt under this subsection 23.45.510.E.

8. In HR zones, ground floor commercial uses meeting the requirements of Section 23.45.532, if the street level of the structure containing the commercial uses has a minimum floor to floor height of 13 feet and a minimum depth of 15 feet.

\* \* \*

Section 7. Section 23.47A.012 of the Seattle Municipal Code, which section was last amended by Ordinance 122738, is amended as follows:

**23.47A.012 Structure height**

A. The height limit for structures in NC zones or C zones is 30 feet, 40 feet, 65 feet, 85 feet, 125 feet, or 160 feet, as designated on the Official Land Use Map, Chapter 23.32. Structures may not exceed the applicable height limit, except as otherwise provided in this ~~((section))~~ Section 23.47A.012. Within the South Lake Union Urban Center, any modifications or exceptions to maximum structure height are allowed solely according to the provisions of the Seattle Mixed Zone, subsections 23.48.010.B.1, 23.48.010.B.2, ~~((and))~~ 23.48.010.B.3, 23.48.010.D and 23.48.010.E, and not according to the provisions of this ~~((section))~~ Section 23.47A.012.

1. In zones with a 30 foot or 40 foot mapped height limit:

a. the height of a structure may exceed the otherwise applicable limit by up to 4 feet, subject to subsection 23.47A.012.A.1.c, provided the following conditions are met:

1) Either

1 i. A floor-to-floor height of 13 feet or more is provided for  
2 nonresidential uses at street level; or

3 ii. A residential use is located on a street-level, street-facing  
4 facade, and the first floor of the structure at or above grade is at least 4 feet above sidewalk  
5 grade; and

6 2) The additional height allowed for the structure will not allow an  
7 additional story beyond the number that could be built under the otherwise applicable height  
8 limit.  
9

10 b. The height of a structure may exceed the otherwise applicable limit by  
11 up to 7 feet, subject to subsection 23.47A.012.A.1.c, provided all of the following conditions are  
12 met:

13 1) Residential and multipurpose retail sales uses are located in the  
14 same structure;

15 2) The total gross floor area of at least one multi-purpose retail  
16 sales use exceeds 12,000 square feet;

17 3) A floor-to-floor height of 16 feet or more is provided for the  
18 multi-purpose retail sales use at street level;

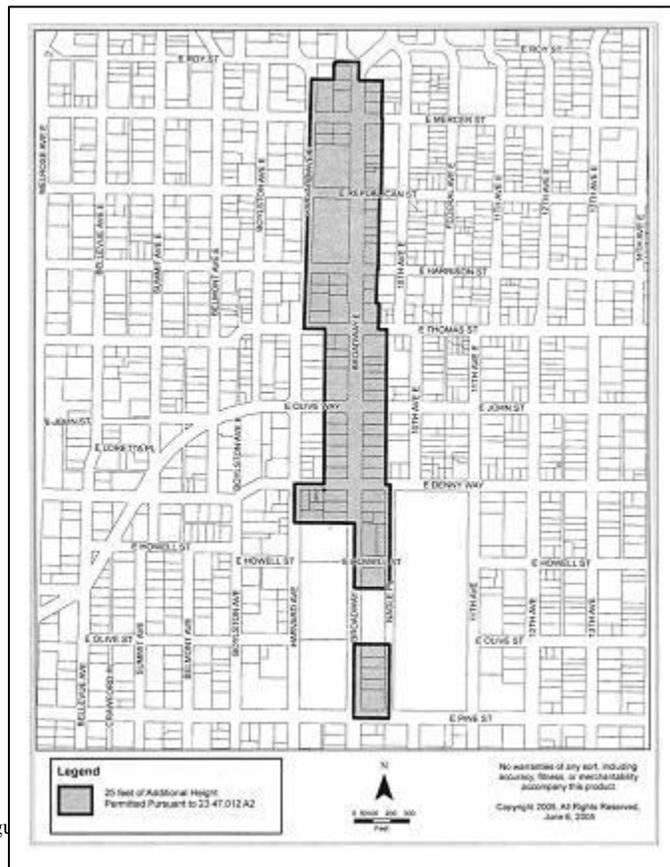
19 4) The additional height allowed for the structure will not allow an  
20 additional story beyond the number that could be built under the otherwise applicable height  
21 limit if a 16 foot floor-to-floor height were not provided at street level; and

22 5) The structure is not allowed additional height under subsection  
23 23.47A.012.A.1.a.  
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1 c. The Director shall reduce or deny the additional structure height  
2 permitted by this subsection 23.47A.012.A.1 if the additional height otherwise would  
3 significantly block views from neighboring residential structures of any of the following: Mount  
4 Rainier, the Olympic and Cascade Mountains, the downtown skyline, Green Lake, Puget Sound,  
5 Lake Washington, Lake Union, and the Ship Canal.

6  
7 2. For any lot within the designated areas shown on Map A ((øf)) for 23.47A.012,  
8 the height limit in NC zones or C zones designated with a 40-foot height limit on the Official  
9 Land Use Map may be increased to 65 feet and may contain floor area as permitted for a 65 foot  
10 zone, pursuant to Section 23.47A.013, provided that all portions of the structure above 40 feet  
11 contain only residential uses, and provided that no additional height is allowed under subsection  
12 23.47A.012.A.1.

13 **Map A ((øf)) for 23.47A.012**



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3. Monorail transit facilities may exceed the height limit of the zone according to the provisions of Section 23.80.004 or Section 15.54.020.

4. Within the South Lake Union Urban Center, maximum structure height shall be determined according to the provisions of the Seattle Mixed Zone, Section 23.48.010.

5. Within the Station Area Overlay District within the University District Northwest Urban Center Village, maximum structure height may be increased to 125 feet when all of the following are met:

a. The lot is within two blocks of a planned or existing light rail station;

b. The proposed use of the lot is functionally related to other office development, permitted prior to 1971, to have over 500,000 square feet of gross floor area to be occupied by a single entity;

c. A transportation management plan for the life of the use includes incentives for light rail and other transit use by the employees of the office use;

d. The development shall provide street level amenities for pedestrians and shall be designed to promote pedestrian interest, safety, and comfort through features such as landscaping, lighting and transparent facades, as determined by the Director; and

e. This subsection 23.47A.012.A.5 can be used only once per functionally related development.

6. On a lot containing a peat settlement-prone environmentally critical area, the height of a structure may exceed the otherwise applicable height limit and the other height

1 allowances provided by this section 23.47A.012 by up to 3 feet. In addition, 3 more feet of  
2 height may be allowed for any wall of a structure on a sloped lot, provided that on the uphill  
3 side(s) of the structure, the maximum elevation of the structure height shall be no greater than  
4 the height allowed by the first sentence of this subsection 23.47A.012.A.6 (~~Exhibit~~  
5 ~~23.47A.012A~~)). The Director may apply the allowances in this subsection 23.47A.012.A.6 only  
6 if the following conditions are met:

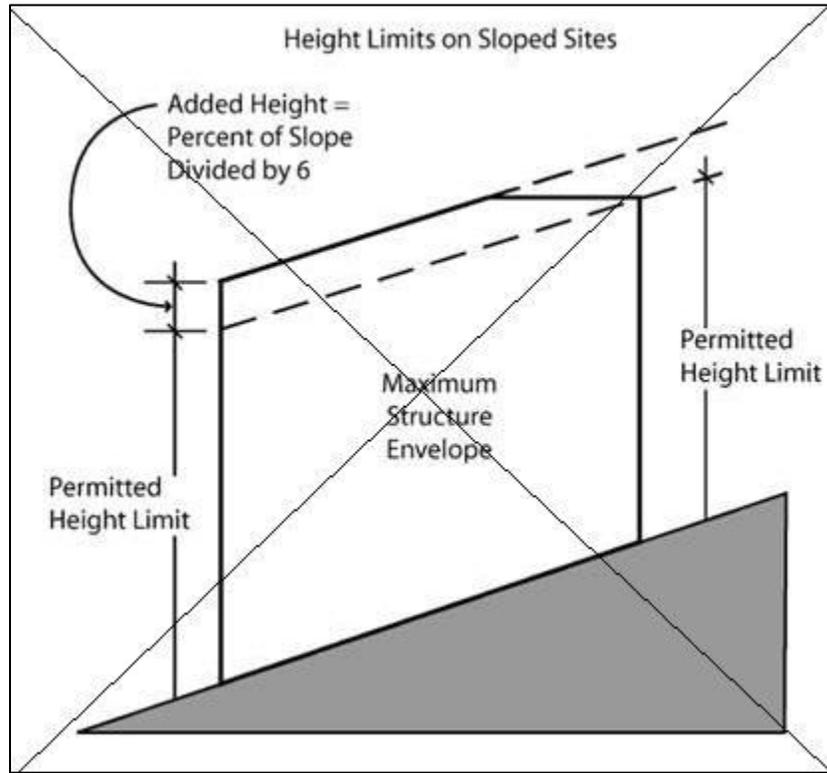
7  
8 a. The Director finds that locating a story of parking underground is  
9 infeasible due to physical site conditions such as a high water table;

10 b. The Director finds that the additional height allowed for the structure is  
11 necessary to accommodate parking located partially below grade that extends no more (~~that~~)  
12 than 6 feet above existing or finished grade and no more than 3 feet above the highest existing or  
13 finished grade along the structure footprint, whichever is lower, as measured to the finished floor  
14 level above; and

15  
16 c. Other than the additional story of parking allowed pursuant to this  
17 subsection 23.47A.012.A.6, the additional height allowed for the structure by subsection  
18 23.47A.012.A.6 will not allow an additional story beyond the number of stories that could be  
19 built under the otherwise applicable height limit.

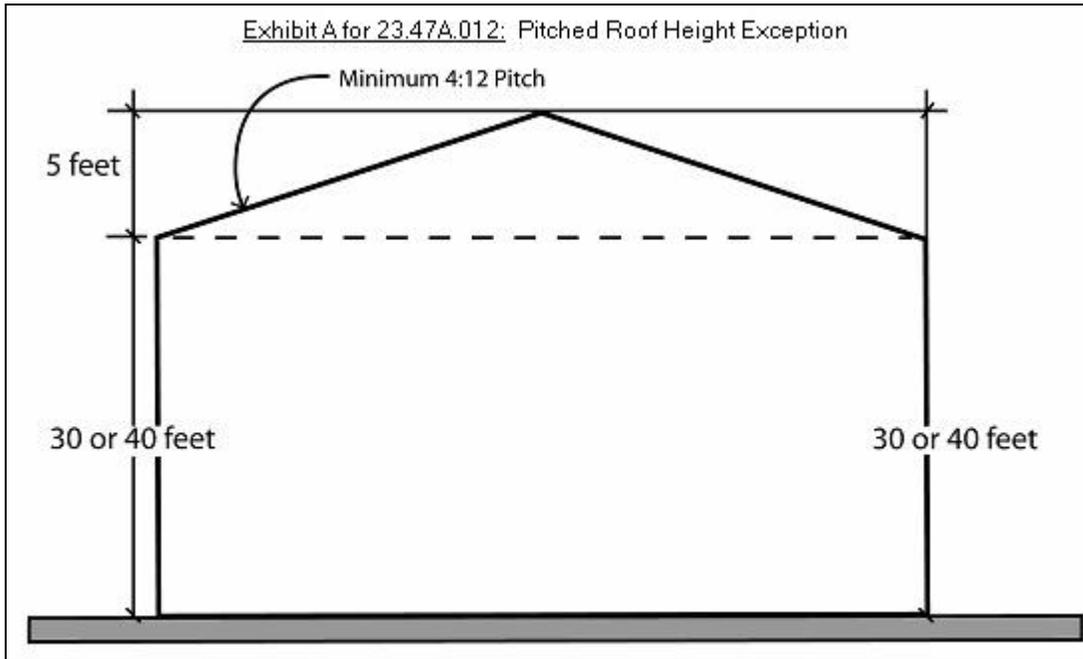
20  
21 ~~((Exhibit 23.47A.012A Height Allowance on Lots Containing Peat Settlement-Prone~~  
22 ~~Areas))~~





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14 ((C)) B. The ridge of a pitched roof, other than a shed roof or butterfly roof, may extend  
15 up to 5 feet above the otherwise applicable height limit in zones with height limits of 30 or 40  
16 feet, if all parts of the roof above the otherwise applicable height limit are pitched at a rate of not  
17 less than 4:12 (Exhibit ((C)) A for 23.47A.012).

18 **Exhibit A for 23.47A.012: Pitched Roof Height Exception**



12 ((D)) C. Rooftop Features.

13 1. Smokestacks, chimneys, flagpoles, and religious symbols for religious  
14 institutions are exempt from height controls, except as regulated in Chapter 23.64, Airport  
15 Height Overlay District, provided they are a minimum of 10 feet from any side or rear lot line.

16 2. Open railings, planters, skylights, clerestories, greenhouses, solariums, parapets  
17 and firewalls may extend as high as the highest ridge of a pitched roof permitted by subsection  
18 23.47A.012.((C))B or up to 4 feet above the otherwise applicable height limit, whichever is  
19 higher.  
20

21 3. Solar Collectors.

22 a. In zones with mapped height limits of 30 or 40 feet, solar collectors may  
23 extend up to 4 feet above the otherwise applicable height limit, with unlimited rooftop coverage.

24 b. In zones with height limits of 65 feet or more, solar collectors may  
25 extend up to 7 feet above the otherwise applicable height limit, with unlimited rooftop coverage.  
26  
27

1                   4. Except as provided below, the following rooftop features may extend up to 15  
2 feet above the applicable height limit, as long as the combined total coverage of all features  
3 gaining additional height listed in this subsection 23.47A.012.~~(D)~~C.4 does not exceed 20  
4 percent of the roof area, or 25 percent of the roof area if the total includes stair or elevator  
5 penthouses or screened mechanical equipment:

- 6                   a. Solar collectors;
- 7                   b. Mechanical equipment;
- 8                   c. Play equipment and open-mesh fencing that encloses it, as long as the  
9 fencing is at least 15 feet from the roof edge;
- 10                  d. Wind-driven power generators;
- 11                  e. Minor communication utilities and accessory communication devices,  
12 except that height is regulated according to the provisions of Section 23.57.012; and  
13                  f. Stair and elevator penthouses may extend above the applicable height  
14 limit up to 16 feet. When additional height is needed to accommodate energy-efficient elevators  
15 in zones with height limits of 125 feet or greater, elevator penthouses may extend the minimum  
16 amount necessary to accommodate energy-efficient elevators, up to 25 feet above the applicable  
17 height limit. Energy-efficient elevators shall be defined by Director's Rule. When additional  
18 height is allowed for an energy-efficient elevator, stair penthouses may be granted the same  
19 additional height if they are co-located with the elevator penthouse.

20                   5. Within the South Lake Union Urban Center, the combined total coverage of all  
21 features listed in subsection 23.47A.012.~~(D)~~C.4 may be increased to 65 percent of the roof  
22 area, provided that the following are satisfied:  
23  
24  
25  
26  
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a. The additional rooftop coverage allowed by this subsection

23.47A.012.~~(D)~~C.5 is used to accommodate mechanical equipment that is accessory to a research and development laboratory; and

b. All mechanical equipment is screened; and

c. No rooftop features other than wind-driven power generators are located closer than 10 feet from the roof edge.

6. Greenhouses that are dedicated to food production are permitted to extend 15 feet above the applicable height limit if the combined total coverage of all features gaining additional height listed in this subsection 23.47A.012.~~(D)~~C does not exceed 50 percent of the roof area, and the greenhouse adheres to the setback requirements in subsection 23.47A.012.~~(D)~~C.7.

7. The rooftop features listed in this subsection 23.47.A.012.~~(D)~~C.7 shall be located at least 10 feet from the north edge of the roof unless a shadow diagram is provided that demonstrates that locating such features within 10 feet of the north edge of the roof would not shade property to the north on January 21st at noon more than would a structure built to maximum permitted height and FAR:

a. Solar collectors;

b. Planters;

c. Clerestories;

d. Greenhouses and solariums;

e. Minor communication utilities and accessory communication devices, permitted pursuant to the provisions of Section 23.57.012;

f. Non-firewall parapets;

g. Play equipment.

8. Structures existing prior to May 10, 1986 may add new or replace existing mechanical equipment up to 15 feet above the roof elevation of the structure and shall comply with the noise standards of Section 23.47A.018.

9. For height limits and exceptions for communication utilities and accessory communication devices, see Section 23.57.012.

~~(E)~~D. Solar Retrofits. The Director may permit the retrofitting of solar collectors on conforming or nonconforming structures existing on June 9, 1986 as a special exception pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions. Such a retrofit may be permitted to exceed established height limits, if the following conditions are met:

1. There is no feasible alternative solution to placing the collector(s) on the roof;
2. The positioning of such collector(s) minimizes view blockage and shading of property to the north, while still providing adequate solar access for the collectors; and
3. Such collector(s) meet minimum energy standards administered by the Director.

~~(F)~~E. Height Exceptions for Public Schools.

1. For new public school construction on new public school sites, the maximum permitted height shall be the maximum height permitted in the zone.

2. For new public school construction on existing public school sites, the maximum permitted height shall be the maximum height permitted in the zone or ~~((thirty-five~~)35(~~+~~)) feet plus ~~((fifteen~~)15(~~+~~)) feet for a pitched roof complying with subsection ~~((F5))~~ 23.47A.012.E.5, whichever is greater.

1                   3. For additions to existing public schools on existing public school sites, the  
2 maximum height permitted shall be the maximum height permitted in the zone, the height of the  
3 existing school, or ~~((thirty five-))~~35((+)) feet plus ~~((fifteen-))~~15((+)) feet for a pitched roof  
4 complying with subsection ~~((F5))~~ 23.47A.012.E.5, whichever is greater.

5                   4. Development standard departure for structure height may be granted pursuant  
6 to the procedures and criteria set forth in Chapter 23.79. For construction of new structures on  
7 new and existing public school sites to the extent not otherwise permitted outright, maximum  
8 height that may be granted as a development standard departure in zones with height limits of  
9 ~~((thirty-))~~30((+)) or ~~((forty-))~~40((+)) feet shall be ~~((thirty five-))~~35((+)) feet plus ~~((fifteen~~  
10 ~~))~~15((+)) feet for a pitched roof complying with subsection ~~((F5))~~ 23.47A.012.E.5 for elementary  
11 schools and ~~((sixty-))~~60((+)) feet plus ~~((fifteen-))~~15((+)) feet for a pitched roof complying with  
12 subsection ~~((F5))~~ 23.47A.012.E.5 for secondary schools. All height maximums may be waived  
13 by the Director when waiver would contribute to the demolition of fewer residential structures.  
14

15                   5. To qualify for additional height for a pitched roof under this subsection ~~((F))~~  
16 23.47A.012.E, all parts of the roof above the height otherwise allowed must be pitched at a rate  
17 of not less than ~~((three to twelve-))~~3:12((+)) and the roof must not be a shed roof or butterfly  
18 roof.  
19

20  
21                   Section 8. Subsection D of Section 23.47A.013 of the Seattle Municipal Code, which  
22 section was last amended by Ordinance 122738, is amended as follows:

23 **23.47A.013 Floor area ratio**

24 \* \* \*

25 D. The following gross floor area is not counted toward FAR:

26 1. Gross floor area below grade;

1                   2. Gross floor area of a transit station, including all floor area open to the general  
2 public during normal hours of station operation but excluding retail or service establishments to  
3 which public access is limited to customers or clients, even where such establishments are  
4 primarily intended to serve transit riders;

5                   3. Within the South Lake Union Urban Center, gross floor area occupied by  
6 mechanical equipment located on the roof of a structure;

7                   4. Within the South Lake Union Urban Center, mechanical equipment that is  
8 accessory to a research and development laboratory, up to 15 percent of the gross floor area of a  
9 structure. The allowance is calculated on the gross floor area of the structure after all space  
10 exempt under this subsection is deducted; and

11                   5. Within the First Hill Urban Center Village, on lots zoned NC3, with a 160 foot  
12 height limit, all gross floor area occupied by a residential use.

13                   6. On a lot containing a peat settlement-prone environmentally critical area,  
14 above-grade parking within or covered by a structure or portion of a structure where the Director  
15 finds that locating a story of parking below grade is infeasible due to physical site conditions  
16 such as a high water table, if either:

17                   a. the above-grade parking extends no more that ~~((six (6)))~~ 6 feet above  
18 existing or finished grade and no more than ~~((three (3)))~~ 3 feet above the highest existing or  
19 finished grade along the structure footprint, whichever is lower, as measured to the finished floor  
20 level or roof above, ~~((as depicted in Exhibit))~~ pursuant to subsection 23.47A.012.A.6; or

21                   b. all of the following conditions are met:

22                   ~~((1))~~1) no above-grade parking is exempted by subsection  
23 23.47A.013.D.6.a

1 ((\))2) the parking is accessory to a residential use on the lot;

2 ((\))3) total parking on the lot does not exceed 1 space for each  
3 residential dwelling unit plus the number of spaces required by this Code for non-residential  
4 uses; and

5 ((\))4) the amount of gross floor area exempted by this subsection  
6 23.47A.013.D.6.b does not exceed ((~~twenty five (25)~~)) 25 percent of the area of the lot in zones  
7 with a height limit less than ((~~sixty five (65)~~)) 65 feet, or ((~~fifty (50)~~)) 50 percent of the area of  
8 the lot in zones with a height limit ((~~sixty five (65)~~)) 65 feet or greater.

9 \* \* \*

10  
11 Section 9. Subsection C of Section 23.57.012 of the Seattle Municipal Code, which  
12 section was last amended by Ordinance 123495, is amended as follows:

13 **23.57.012 Commercial zones((:))**

14 \* \* \*

15  
16 C. Development Standards.

17 1. Location and Height. Facilities in special review, historic, and landmark  
18 districts are subject to the standards of Section 23.57.014. On sites that are not in special review,  
19 historic, or landmark districts, antennas may be located on the rooftops of buildings, including  
20 sides of parapets and equipment penthouses above the roofline, subject to the height limits in  
21 ((~~Paragraphs 1.a and 1.b~~)) subsections 23.57.012.C.1.a and C.1.b, as limited by ((~~Paragraph 1.c~~))  
22 subsection 23.57.012.C.1.c below:

23  
24 a. Utilities and devices located on a rooftop of a building nonconforming  
25 as to height may extend up to ((~~fifteen (15)~~)) 15 feet above the height of the building legally  
26 existing as of the effective date of Ordinance 120928.  
27



1                   3. Height of Amateur Radio Tower. The maximum height of an amateur radio  
2 tower shall be no more than ~~((fifty-))50((+))~~ feet above grade in zones where the maximum  
3 height limit is ~~((fifty-))50((+))~~ feet or less. Cages and antennas may extend to a maximum  
4 additional ~~((fifteen-))15((+))~~ feet. In zones with a maximum permitted height over ~~((fifty  
5 -))50((+))~~ feet, the height above grade of the amateur radio tower shall not exceed the maximum  
6 height limit of the zone.

7  
8                   4. Visual Impacts. All minor communication utilities and accessory  
9 communication devices, except for facilities located on buildings designated by the Seattle  
10 Landmarks Preservation Board, facilities governed by Section 23.57.014, and amateur radio  
11 towers, shall meet the standards set forth in Section 23.57.016.

12  
13                   5. Reception Window Obstruction. When, in the case of an accessory  
14 communications device or minor communications utility that would otherwise comply with this  
15 section 23.57.012, the strict adherence to all development standards would result in reception  
16 window obstruction in all permissible locations on the subject lot, the Director may grant a  
17 waiver from the development standards of this section 23.57.012 and Section 23.57.016, subject  
18 to the following criteria:

19                   a. The applicant shall demonstrate that ~~((obstruction))~~ obstruction of the  
20 reception window is due to factors beyond the control of the property owner, taking into account  
21 potential permitted development on adjacent and neighboring lots with regard to reception  
22 window obstruction.

23  
24                   b. The applicant shall use material, shape and color to minimize visual  
25 impact.  
26  
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28

1 Section 10. Section 23.84A.024 of the Seattle Municipal Code, which section was last  
2 amended by Ordinance 123495, is amended as follows:

3 **23.84A.024 “L”**

4 \* \* \*

5 "Lot grade, existing" means the natural surface contour of a lot, as modified by minor  
6 adjustments to the surface of the lot in preparation for construction. For purposes of this  
7 definition, on a lot where excavation has occurred for previous development, the interpolated  
8 grade based on existing grade elevations at the lot lines may be considered the natural surface  
9 contour of the lot provided that when the lot is developed, that grade is restored from the lot lines  
10 up to the exterior walls of any new structure(s). Where an area in excess of two acres has been  
11 legally regraded, the resulting grade shall be considered the existing lot grade.  
12

13 \* \* \*

14  
15 Section 11. Subsection “Residential use” of Section 23.84A.032 of the Seattle Municipal  
16 Code, which section was last amended by Ordinance 123495, is amended as follows:

17 **23.84A.032 “R”**

18 \* \* \*

19  
20 ~~((19.))~~ 18. “Rowhouse Development” means a multifamily residential use in which all  
21 principal dwelling units on the lot meet the following conditions: (a) each dwelling unit occupies  
22 the space from the ground to the roof of the structure in which it is located; (b) no portion of a  
23 dwelling unit, including an accessory dwelling unit, but excluding garages, occupies space above  
24 or below another dwelling unit ~~((except for dwelling units constructed over a shared parking~~  
25 ~~garage));~~ (c) each dwelling unit is attached along at least one common wall to at least one other  
26 dwelling unit, or abuts another dwelling unit on a common lot line; (d) the front of each dwelling  
27

1 unit faces a street lot line; (e) each dwelling unit provides pedestrian access directly to the street  
2 that it faces; and (f) ~~((there is no intervening principal structure between any dwelling unit and~~  
3 ~~the street, or between any dwelling unit and a lot line))~~ no portion of any other dwelling unit is  
4 located between any dwelling unit and the street faced by the front of that unit.

5 ((20-)) 19. "Single-family dwelling unit" means a detached structure having a  
6 permanent foundation, containing one dwelling unit, except that the structure may also contain  
7 an accessory dwelling unit where expressly authorized pursuant to this Title 23. A detached  
8 accessory dwelling unit is not considered a single-family dwelling unit for purposes of this  
9 Chapter 23.84A.

10 ((21-)) 20. "Townhouse Development" means a multifamily residential use that is  
11 not a rowhouse development, and in which: (a) each dwelling unit occupies the space from the  
12 ground to the roof of the structure in which it is located; (b) no portion of a dwelling unit  
13 occupies space above or below another dwelling unit, except for dwelling units constructed over  
14 a shared parking garage; and (c) each dwelling unit is attached along at least one common wall to  
15 at least one other dwelling unit, or abuts another dwelling unit on a common lot line.

16 \* \* \*

17 Section 12. Subsection A of Section 23.86.006 of the Seattle Municipal Code, which  
18 section was last amended by Ordinance 123495, is amended as follows:

19 **23.86.006 Structure height measurement**

20 A. In all zones except downtown zones and zones within the South Lake Union Urban  
21 Center, and except for the Living Building Pilot Program authorized by Section 23.40.060,  
22 unless otherwise specified, the height of structures shall be measured according to this subsection  
23 23.86.006.A.



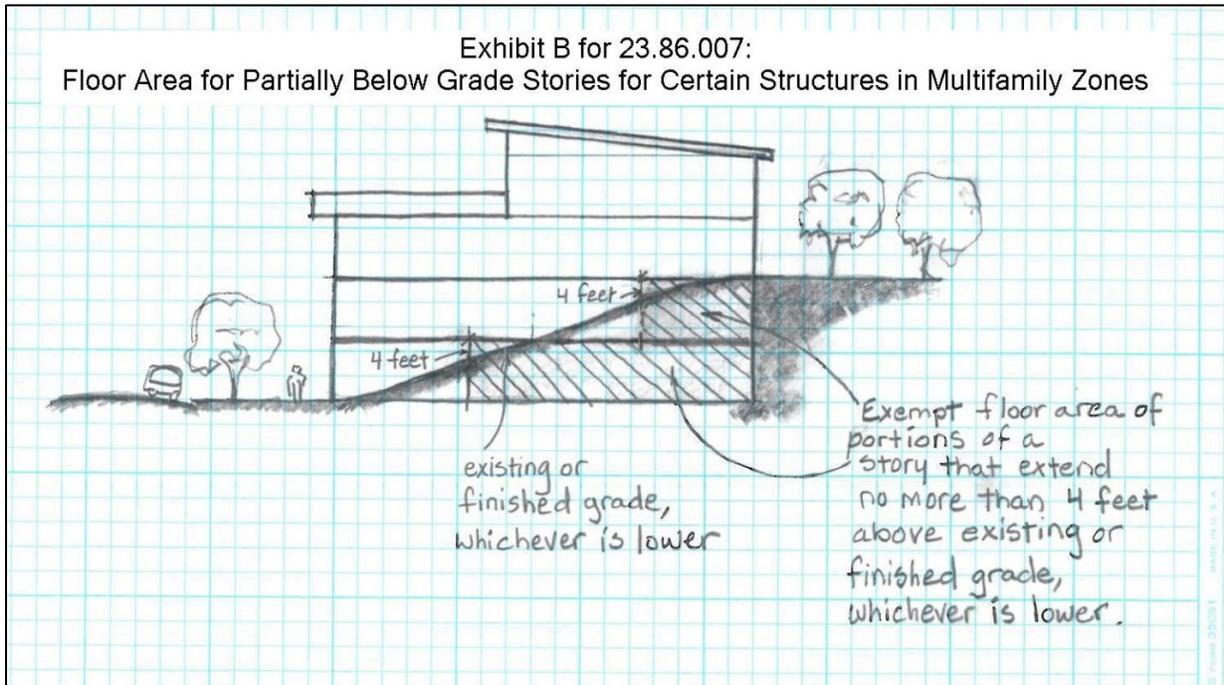


1 2. determine the points along the exterior wall of the story where the elevation  
2 determined in step 23.86.007.B.1 above intersects the abutting corresponding existing or finished  
3 grade elevation, whichever is lower;

4 3. draw a straight line across the story connecting the two points on the exterior  
5 walls;

6 4. the gross floor area of the partially below-grade story or portion of a partially  
7 below-grade story is the area of the story that is at or below the straight line drawn in step  
8 23.86.007.B.3 above (See Exhibit B for 23.86.007).

10 **Exhibit B for 23.86.007: Floor Area for Partially Below Grade Stories for Certain**  
11 **Structures in Multifamily Zones**



Section 14. This ordinance shall take effect and be in force on April 19, 2011.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2011, and  
signed by me in open session in authentication of its passage this  
\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
City Clerk

(Seal)